

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD SCOTT,

Plaintiff,

v.

WEST DIAZ,

Defendant.

Case No. C04-5598 RBL

ORDER DENYING  
PLAINTIFF'S MOTION  
FOR CLARIFICATION

This matter comes before the Court on Plaintiff Scott's "Motion for Clarification." [Dkt. #44]. Plaintiff apparently takes issue with the Court's Order [Dkt. # 42] dismissing this and Plaintiff's other cases with prejudice, as a sanction for abusive litigation. Plaintiff contends that the underlying case was previously dismissed, with prejudice [See Dkt. #s 27 and 35, wherein Mr. Scott seeks to "withdrawal his complaint" as "the prevailing party"], and thus it is error to dismiss it again.

This Motion is frivolous, as the effect of granting it would be to leave Mr. Scott where he would be if it was denied – his action against Mr. Diaz would be dismissed, with prejudice. The Motion is therefore DENIED.

DATED this 3<sup>rd</sup> day of May, 2005.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE